

WISCONSIN ELECTIONS COMMISSION

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MEMORANDUM

TO: Wisconsin Municipal Clerks
Milwaukee City Election Commission
Wisconsin County Clerks
Milwaukee County Election Commission

FROM: Diane Lowe, Lead Elections Specialist

DATE: September 13, 2016

SUBJECT: Absentee Envelopes and Voter's Right to Secret Ballot

At the November 2008 general election, the Government Accountability Board received a number of complaints from voters regarding certificate envelopes that did not have a security tint. Voters were upset that their votes could be seen through the envelope. It was determined that most of the envelopes had been purchased from Bear Graphics which, at that time, was the primary provider of absentee envelopes. Once notified of the issue, Bear Graphics began immediately to provide certificate envelopes using security envelope stock. Municipal clerks were notified that if voting choices could be seen through the certificate envelope, the clerk must offer a means by which a voter could return their ballot without advertising their voting choices.

It has come to our attention that some printers are offering discounted certificate envelopes that are virtually transparent. Although there is no statutory requirement for certificate envelopes to contain a security tint per se, voters are entitled to a secret ballot under the Wisconsin Constitution, and municipal clerks may not impede this entitlement. Therefore, the Wisconsin Elections Commission staff affirms the instruction provided by the Government Accountability Board in 2008:

If voting choices can be seen through a certificate envelope, the municipal clerk must instruct the voter to wrap the ballot in plain paper before sealing the ballot in the certificate envelope. The municipal clerk shall provide enough sheets of paper to obscure the ballot so that voting choices cannot be seen through the envelope.

If you have questions or comments, please contact the Elections HelpDesk at elections@wi.gov or 608-261-2028.